

**WAITSFIELD DEVELOPMENT REVIEW BOARD  
FINDINGS OF FACT AND NOTICE OF DECISION**

<b>Application #:</b>	<b>3720-CU</b>
<b>Land Owner:</b>	<b>Birdy Enterprises</b>
<b>Applicant:</b>	<b>The Sweet Spot</b>
<b>Property Address:</b>	<b>40 Bridge St.</b>
<b>Parcel Number:</b>	<b>99108.000 in the Village Business Zoning District</b>
<b>Meeting Dates:</b>	<b>October 11, 2016</b>
<b>Proposal/Type:</b>	<b>Request for approval to convert 450 square feet of existing retail space (The Green Closet) to expand the restaurant's kitchen space (The Sweet Spot) for a coffee roaster.</b>

**A. GUIDING ORDINANCE and POLICY PROVISIONS**

1. Town of Waitsfield Zoning Bylaws, as adopted March 2, 1971 and amended through May 17, 2010:
  - a. Table 2.01 Village Business Zoning District.
  - b. Section 3.03 Change of Use.
  - c. Section 5.03 Conditional Use.
2. Waitsfield Subdivision Regulations, amended on January 21, 2008.
3. Waitsfield Town Plan, as adopted on October 22, 2012.

**B. MATERIALS SUBMITTED**

1. On September 13, 2016, the applicant submitted a zoning permit application, a conditional use application, and floor plans.
2. On September 21, 2016, the applicant submitted a signed posting sign protocol.
3. On September 27, 2016, an abutting property owner, Norm Abend, submitted comments.
4. On October 4, 2016, an abutting property owner, Mary Schramke, submitted comments.

**C. FINDINGS OF FACT**

1. The property is located at 40 Bridge Street, and is a mixed use parcel consisting of commercial and residential units.
2. The applicant proposes to change the use of 450 square feet of existing retail space (The Green Closet) to expand the kitchen area of the existing restaurant (The Sweet Spot) in order to accommodate a coffee roaster.
3. No additional seats in the restaurant will result from the change.
4. The exhaust system will be installed according to the coffee roaster specifications.
5. Noise from the coffee roaster's motor will not be detectable outside the kitchen.

6. No additional plumbing is required; the existing kitchen sink use will not increase significantly.
7. The roasted coffee will be primarily consumed by customers on-site.
8. The proposed change of use will not trigger additional parking requirements; existing parking space is adequate for the proposed use.
9. The public hearing was held on Tuesday, October 11, 2016. The abutting property owners were sent notice on September 21, 2016 and the notice appeared in the September 22, 2016 *Valley Reporter* issue.
10. One abutting property owner submitted comments of support, and one abutting property owner submitted concern about the potential odor. The written comments were received at the hearing as part of the record.
11. The applicant presented the restaurant expansion proposal for the coffee roaster and the proposed site plan for interior work. The applicant expects the coffee roaster will operate on 4-hour shifts, one to two days per week.
12. The applicant also described the exterior modifications to allow for the chimney, and compressors which will be installed on the flat roofed area between the gable ends where the other walk-in refrigerator compressors are located. The new compressor will be screened from Bridge Street by slatted wood panels to match the existing screening, and will not likely be visible from the river (east) side of the building.
13. The applicant did not believe that odor would be an issue because 1) roasting coffee is not usually considered offensive by most peoples' standards, and 2) the roaster chimney will be higher than the abutting properties' rooflines.
14. The applicant presented the permit that has been obtained by the state Fire Marshal.
15. The board closed the hearing and stated that a written decision would be issued within 45 days.

#### **D. CONCLUSIONS OF LAW**

Based on its review of the application materials, submitted site plans, presented testimony, and Findings of Fact above, the Waitsfield Development Review Board hereby concludes this application as proposed, and when finalized and implemented in accordance with the Conditions of Approval listed below, does meet the conditional use criteria of the Town of Waitsfield Zoning Bylaws and is in conformance with the Waitsfield Town Plan.

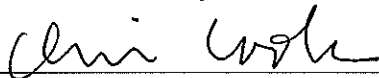
#### **E. DECISION**

Application #3720-CU is hereby APPROVED, subject to the following conditions:

1. The applicant may operate the coffee roaster up to 10 hours per week. If the applicant wants to propose an increase to this limit, then the applicant shall apply for permission to expand the conditional use.

2. The applicant shall screen the new compressor using materials comparable to the existing screening.
3. Prior to issuance of a zoning permit for interior construction, coffee roaster installation, and coffee roaster operation, the applicant shall submit for review and approval by the board an updated interior floor plan with final details and square footage of the expanded restaurant area.
4. If the roasting causes unreasonably offensive odor, then the applicant shall take the necessary steps to ameliorate the problem. "Unreasonably offensive" shall be determined by a quorum of the board who visits the site during roasting if a complaint is received by the ZA.
5. Any further changes to this site plan shall require prior DRB approval.
6. This decision is subject to any and all applicable local, state, and federal permit approvals.

Dated at Waitsfield, Vermont this 1<sup>st</sup> day of November, 2016 for the Town of Waitsfield Development Review Board by:



Chris Cook, Development Review Board Chair

Voting in the Affirmative: Chris Cook, John Donaldson, Chris Jernigan, Michael Kingsbury, Rudy Polwin, and Brian Shupe.

Abstaining: None.

Voting in the Negative: None.

Absent: Gib Geiger.

#### Appeal

**Pursuant to Title 24 VSA §4471 and §4472, an interested person who has participated in the review of this application may appeal this decision to the Environmental Division of the Vermont Superior Court by filing a Notice of Appeal directly to the Court, 32 Cherry Street, Suite 303, Burlington, Vermont 05401, by certified mail within thirty (30) days of the date this decision is issued. A copy of the notice must also be sent to the Zoning Administrator or the Municipal Clerk who is required to provide a list of interested persons to the appellant within five days of receipt of the Notice. The appellant is required to send a copy of the Notice, via certified mail, to each interested person.**

